

Message Text

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ACTION IO-14

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TO SECSTATE WASHDC 7650

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E.O. 11652: N/A

TAGS: ILO

SUBJECT: CONVERSATION WITH FRANK MCCULLOCH RE ILO

FROM AMBASSADOR VANDEN HEUVEL

1. FRANK MCCULLOCH, AN AMERICAN WHO IS SERVING AS A MEMBER OF THE ILO COMMITTEE OF EXPERTS MET WITH ME THIS MORNING TO GIVE A DETAILED REPORT OF THE PROCEEDINGS THAT ARE ABOUT TO ADJOURN. HE INDICATED THAT A MAJOR EFFORT WAS MADE TO SUPPORT IN EVERY WAY POSSIBLE A COMMITMENT TO THE INTEGRITY OF THE ILO COMPLIANCE MACHINERY. IN FURTHERANCE OF THAT COMMITMENT HE EXPECTS THE REPORT OF THE COMMITTEE OF EXPERTS WILL CONTAIN THE FOLLOWING STATEMENT:

2. BEGIN TEXT. IN CARRYING OUT ITS FUNCTIONS, THE COMMITTEE WAS CONSTANTLY MINDFUL OF THE FACT THAT ITS WORK CAN HAVE VALUE ONLY TO THE EXTENT THAT IT REMAINS TRUE TO ITS TRADITION OF INDEPENDENCE, OBJECTIVITY AND IMPARTIALITY. IN ITS REPORT OF 1977, THE COMMITTEE REVIEWED ITS FUNDAMENTAL PRINCIPLES, MANDATE AND METHODS OF WORK, AND REAFFIRMED THE BASIC PRINCIPLES BY WHICH IT WAS GUIDED IN ITS EVALUATION OF NATIONAL LAW AND PRACTICE AGAINST THE REQUIREMENTS OF INTERNATIONAL LABOR CONVENTIONS.

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TIONS. THE COMMITTEE WISHES TO RESTATE ITS ADHERENCE TO THOSE BASIC PRINCIPLES, PARTICULARLY THOSE SET OUT IN PARAGRAPH 31 OF ITS ABOVE-MENTIONED REPORT:

3. THE COMMITTEE DISCUSSED THE APPROACH TO BE ADOPTED IN EVALUATING NATIONAL LAW AND PRACTICE AGAINST THE REQUIREMENTS OF INTERNATIONAL LABOR CONVENTIONS. IT

REAFFIRMS THAT ITS FUNCTION IS TO DETERMINE WHETHER THE REQUIREMENTS OF A GIVEN CONVENTION ARE BEING MET, WHATEVER THE ECONOMIC AND SOCIAL CONDITIONS EXISTING IN A GIVEN COUNTRY. SUBJECT ONLY TO ANY DEROGATIONS WHICH ARE EXPRESSLY PERMITTED BY THE CONVENTION ITSELF, THESE REQUIREMENTS REMAIN CONSTANT AND UNIFORM FOR ALL COUNTRIES. IN CARRYING OUT THIS WORK THE COMMITTEE IS GUIDED BY THE STANDARDS LAID DOWN IN THE CONVENTION ALONE, MINDFUL, HOWEVER, OF THE FACT THAT THE MODES OF THEIR IMPLEMENTATION MAY BE DIFFERENT IN DIFFERENT STATES. THESE ARE INTERNATIONAL STANDARDS, AND THE MANNER IN WHICH THEIR IMPLEMENTATION IS EVALUATED MUST BE UNIFORM AND MUST NOT BE AFFECTED BY CONCEPTS DERIVED FROM ANY PARTICULAR SOCIAL OR ECONOMIC SYSTEM.

4. THE IMPORTANCE ATTACHED BY THE CONFERENCE TO THE ORGANIZATION'S STANDARD-SETTING ACTIVITIES AND TO THE ARRANGEMENTS ESTABLISHED BY IT FOR SUPERVISING COMPLIANCE WITH OBLIGATIONS UNDER ITS CONSTITUTION AND CONVENTIONS WAS EMPHASIZED BY TWO RESOLUTIONS ADOPTED IN 1977, WHICH CONCERNED RESPECTIVELY THE STRENGTHENING OF TRIPARTISM IN ILO SUPERVISORY PROCEDURES OF INTERNATIONAL STANDARDS AND TECHNICAL CO-OPERATION PROGRAMMES AND THE PROMOTION, PROTECTION AND STRENGTHENING OF FREEDOM OF ASSOCIATION, TRADE UNION AND HUMAN RIGHTS. IN THESE RESOLUTIONS, THE CONFERENCE NOTED, MORE PARTICULARLY, THAT THE LIMITED OFFICIAL USE

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ADOPTION OF ILO STANDARDS AND THEIR UNIVERSAL APPLICATION IN THE FIELD OF THOSE HUMAN RIGHTS WHICH ARE WITHIN THE COMPETENCE OF THE ILO CONTINUE TO BE OF THE UTMOST IMPORTANCE AND SHOULD EXERT A LASTING INFLUENCE ON THE LEGISLATION OF ALL COUNTRIES SO THAT THOSE RIGHTS ARE FULLY RESPECTED. THE CONFERENCE ALSO DECLARED THAT "ABSOLUTE IMPARTIALITY IN THE ILO SUPERVISION OF INTERNATIONAL STANDARDS IS THE KEY TO THEIR CREDIBILITY IN ORDER TO ENSURE THAT OBLIGATIONS FREELY CONTRACTED ARE COMPLIED WITH AND REMAIN THE SAME FOR ALL COUNTRIES IRRESPECTIVE OF THEIR SIZE, ECONOMIC AND SOCIAL SYSTEM AND LEVEL OF ECONOMIC DEVELOPMENT". THE CONFERENCE HAS THUS ADDED THE FORCE OF ITS AUTHORITY TO THE CONCEPTION OF IMPARTIAL AND OBJECTIVE SUPERVISION AS ENUNCIATED BY THE COMMITTEE. END TEXT

5. IF THE FINAL REPORT DOES CONTAIN THIS LANGUAGE IT WILL BE A MAJOR STEP TOWARD THE OBJECTIVE OF HAVING A CONFERENCE ACCEPT THE SIGNIFICANT SUBSTANTIVE STATEMENTS CONTAINED IN THE 1977 REPORT.

6. DR. MCCULLOCH ALSO INDICATED THAT THE COMMITTEE OF

EXPERTS REPORT WILL CONTAIN THE FOLLOWING LANGUAGE AS
AN EXTRA REMINDER TO THOSE COUNTRIES WHO WERE CRITICIZED
IN THE 1977 REPORT THAT THEY WILL BE HELD ACCOUNTABLE
FOR ALLEGED VIOLATIONS: "103. THE COMMITTEE NOTES THAT
IN 1977 THE CONFERENCE COMMITTEE DISCUSSED A LARGE NUMBER
OF INDIVIDUAL CASES AND RECEIVED INFORMATION FROM A TOTAL
OF 55 GOVERNMENTS CONCERNING PROBLEMS IN THE APPLICATION
OF RATIFIED CONVENTIONS OR IN DISCHARGING REPORTING OR
OTHER CONSTITUTIONAL OBLIGATIONS. IT EXPRESSES THE HOPE
THAT THE GOVERNMENTS CONCERNED WILL TAKE INTO FULL ACCOUNT

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THESE DISCUSSIONS, AND WILL TAKE ALL MEASURES CALLED FOR
IN ORDER TO OVERCOME THE PROBLEMS ENCOUNTERED."
VANDEN HEUVEL

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